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SUMMARY of WASHINGTON STATE'S
CHARITABLE SOLICITATIONS ACT
Chapter 19.09 RCW

ORGANIZATIONS AND ACTIVITIES SUBJECT TO REGISTRATION

Charitable Organizations: Charitable organizations are required to register with the Charities Program prior to fundraising in Washington State, unless otherwise exempted. Registration under the Charitable Solicitations Act is separate and in addition to documents filed to meet state corporate laws or the Internal Revenue Service requirements. The filing fee for a new registration is \$60.00; annual renewals are \$40.00; re-registration is \$60.00.

Commercial Fundraisers: All commercial fundraisers must register and submit proof of a \$25,000 surety bond to the Charities Program prior to fundraising in Washington State. The filing fee for a new registration is \$300.00; annual renewals are \$225.00; re-registration is \$300.

Contracting with a Commercial Fundraiser: Charitable organizations that contract for fundraising services with a commercial fundraiser must submit a Fundraising Service Contract Registration Form, a copy of the written contract, and a \$20.00 filing fee to the Charities Program before the start of any fundraising campaign.

ORGANIZATIONS AND ACTIVITIES EXEMPT FROM STATE REGISTRATION REQUIREMENTS

Certain activities and organizations are not required to register with the Secretary of State's Charities Program. The application requirements do not apply to the following:

- Any charitable organization raising less than \$50,000 from the public in any accounting year when all the activities of the organization, including all fundraising activities, are performed by volunteers.
- Political organizations and organizations whose activities are subject to the reporting requirements of the Washington State Public Disclosure Act or Federal Elections Campaign Act.
- Appeals for funds on behalf of a specific individual named in the solicitation, but only if all of the proceeds of the solicitation are given to or expended for the direct benefit of that individual. This does not include organizations that conduct fundraising for one or more individuals on a repeated or ongoing basis.
- Churches and their Integrated Auxiliaries.
- Commercial Coventurers, Fundraising Counsel or Consultants

Charitable organizations that are exempt from state registration are encouraged to file an "Optional Registration" with the Charities Program. There is no fee to file the Optional Registration and it is accessible online at <http://www.sos.wa.gov/assets/charities/OPTIONAL-REGISTRATION-PAPER-APPL.pdf> or <http://www.sos.wa.gov/charities/OnlineFilingsareNowAvailable.aspx>

DEFINITIONS

Charitable Organization is any entity that solicits or collects contributions from the general public where the contribution is or is purported to be used to support a charitable purpose, but does not include any commercial fundraiser, commercial fundraising entity, commercial coventurer, or any fundraising counsel. Churches and their integrated auxiliaries, and political organizations are not considered “charitable organizations,” but all are subject to the disclosure requirements.

Charitable Purpose is any religious, charitable, scientific, testing for public safety, literary, or educational purpose or any other purpose that is beneficial to the community, including environmental, humanitarian, patriotic, or civic purposes, the support of national or international amateur sports competition, the prevention of cruelty to children or animals, the advancement of social welfare, or the benefit of law enforcement personnel, firefighters, and other persons who protect public safety. The term "charitable" is used in its generally accepted legal sense and includes relief of the poor, the distressed, or the underprivileged; advancement of religion; advancement of education or science; erecting or maintaining public buildings, monuments, or works; lessening the burdens of government; lessening neighborhood tensions; eliminating prejudice and discrimination; defending human and civil rights secured by law; and combating community deterioration and juvenile delinquency.

Commercial Coventurer is any entity which is primarily engaged in the sales of goods or services for profit, and who represents that a portion of the sales price, a certain sum of money, or some other thing of value will be donated to a named charitable organization if they purchase said goods or services, and who is not otherwise regularly or primarily engaged in making charitable solicitations or otherwise raising funds for one or more charitable organizations.

Commercial Fundraiser is any entity that for compensation or other consideration directly or indirectly solicits or receives contributions for or on behalf of any charitable organization or charitable purpose, or that is engaged in the business of, or represents to persons as independently engaged in the business of, soliciting or receiving contribution for such purposes. A commercial coventurer, fundraising counsel or consultant is not a commercial fundraiser.

Fundraising Counsel or Consultant is any entity or individual who is retained by a charitable organization, for a fixed fee or rate, that is not computed on a percentage of funds raised, or to be raised, under a written agreement only to plan, advise, consult, or prepare materials for a solicitation of contributions in this state, but who does not manage, conduct, or carry on a fundraising campaign and who does not solicit contributions or employ, procure, or engage any compensated person to solicit contributions, and who does not at any time have custody or control of contributions.

Religious Organization means those entities that are not churches or integrated auxiliaries and includes nondenominational ministries, interdenominational and ecumenical organizations, mission organizations, speakers' organizations, faith-based social agencies, and other entities whose principal purpose is the study, practice, or advancement of religion.

Solicitation is an oral or written request for a contribution, including the solicitor's offer or attempt to sell any property, rights, services, or other thing in connection with an appeal for any charitable purpose or the name of any charitable organization is used as an inducement for consummating the sale, or any implication is made that part of the proceeds from the sale will benefit a charitable purpose or be donated to charity.

Solicitation does **not** include:

- Bingo activities, raffles, and amusement games which are subject to rules by the Washington State Gambling Commission;
- An application or request for application for a grant, contract, or similar funding from any foundation, corporation, governmental agency or similar entity which has an established application and review procedure for reviewing such requests; or
- The attempt to sell a service or good which constitutes the basis of the charitable organization's activities under which its federal income tax exemption was granted, or is the primary purpose for the existence of the charitable organization (e.g. admission to a theatrical or other performance presented by a drama, musical or dance group, fees for services such as a hospital provides or use of the charitable organization's facilities.)